

Rescission of 105 CMR 800.000 and Amendment of 105 CMR 130.000

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Associate Commissioner
Department of Public Health
February 12, 2014**

Rescission of 105 CMR 800.000

Statutory authority repealed in 2012 by updated Uniform
Anatomical Gift Act (UAGA)

Amendment of 105 CMR 130.000 regarding organ donation

~~130.380: Request for Consent to Anatomical Donations~~

~~Each acute hospital shall comply with 105 CMR 800.000 et seq.: *The Massachusetts Request for Consent to Anatomical Donations* which are incorporated herein by reference.~~

~~For the purpose of 105 CMR 130.380 an acute hospital shall mean any hospital licensed under M.G.L. c. 111, § 51 which contains a majority of medical, surgical, pediatric, obstetric and maternity beds.~~

130.380: Anatomical Donations

In accordance with M.G.L. c. 113A and the terms defined therein, each hospital shall enter into agreements or affiliations with organ procurement organizations for coordination of procurement and use of anatomical gifts. Each hospital shall make a reasonable search of an individual whom the hospital reasonably believes to be dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who has made a refusal. For the purposes of 105 CMR 130.380, an individual who has sustained either (1) irreversible cessation of circulatory and respiratory functions, or (2) irreversible cessation of all functions including the entire brain, including the brain stem, is dead. Determination of death shall be made in accordance with accepted medical standards.

Amendment of 105 CMR 130.000 regarding consent to autopsy

130.386: Classes of Persons Authorized to Consent

(A) The following order of priority is set forth for persons authorized to give consent for an autopsy:

(1) an agent of the decedent including, but not limited to, a health care agent appointed under a health care proxy pursuant to chapter 201D, unless the power of attorney for health care or other record prohibits the agent from consenting to an autopsy;

(12) the spouse of the decedent;

(23) an adult son or daughter child of the decedent;

(34) either a parent of the decedent;

(45) an adult brother or sister sibling of the decedent;

(6) an adult grandchild of the decedent;

(7) a grandparent of the decedent;

(8) an adult who exhibited special care and concern for the decedent;

(59) a person who was acting as a guardian of the decedent at the time of death; or

(610) any other person authorized or under obligation having the authority to dispose of a the decedent's body.

**No public comments received in the public
comment period**

- Questions?
- DPH recommends vote to approve rescission